

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNIVERSITAS EDUCATION, LLC,

Judgment Creditor, :

-against- :

NOVA GROUP, INC., as trustee, sponsor and :
fiduciary of THE CHARTER OAK TRUST :
WELFARE BENEFIT PLAN, :

Judgment Debtor, : Case Nos. 11 CV 1590-LTS-HBP and
11-8726-LTS

-and- :

Daniel E. Carpenter, Charter Oak Trust Welfare :
Benefit Plan, Grist Mill Capital, LLC, Grist Mill :
Holdings, LLC, Avon Capital, LLC, Hanover Trust :
Company, Carpenter Financial Group and Phoenix :
Capital Management, LLC, :

Respondents.

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**[PROPOSED] ORDER TO SHOW CAUSE ON APPLICATION FOR PRELIMINARY
INJUNCTION AND TURNOVER AGAINST RESPONDENT DANIEL E. CARPENTER**

Upon the Declaration of Michael Barnett, Esq., dated October 9, 2013 (with Exhibits), and the accompanying Memorandum of Law filed by Plaintiff/Judgment Creditor Universitas Education, LLC (“Universitas”), and good and sufficient cause appearing therefrom:

IT IS HEREBY ORDERED that Respondent Daniel E. Carpenter show cause before the Hon. Laura Taylor Swain, at the United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on _____, 2013, at ____ a.m./p.m., why an Order should not be issued, pursuant to Fed. R. Civ. P. 65(a), Fed. R. Civ. P. 69(a)(1) and N.Y. C.P.L.R. § 5225(b):

A. Preliminarily enjoining Mr. Carpenter from, directly or indirectly, causing, making, permitting or suffering any sale, assignment or transfer of, or any interference with, any asset or property of his, and any asset or property of any company, corporation or entity (including any trusts) in which he has a direct or indirect interest or control; provided that Mr. Carpenter be permitted to expend and/or transfer up to an aggregate amount of \$20,000.00 per month for ordinary expenses of his or one of his entities, with any such payments or transfers to be reported, in writing, with supporting documentation, to Universitas' counsel within seven (7) days of such payment/transfer being made.

IT IS FURTHER:

ORDERED that service of a copy of this Order, together with the underlying papers upon which it was granted, be made through the Electronic Case Filing ("ECF") system upon Mr. Carpenter's attorney, Anthony J. Siano, who has appeared in this action;

ORDERED that any opposing affidavits, declarations, memoranda of law, or other material shall be served upon counsel for Universitas through the ECF system on or before 6 p.m. on October 25, 2013, and that any reply affidavits, declarations, memoranda of law, or other materials shall be served through the ECF system on or before 6 p.m. on November 1, 2013; and

ORDERED that following briefing on its preliminary injunction motion, Universitas be permitted discovery regarding the subject matter of its turnover motion; such discovery shall include up to three (3) depositions (including a deposition of Mr. Carpenter) to be conducted between December 2 and December 16, 2013, and a set of document requests issued to Respondents, to be served by October 28, 2013, with complete responses and productions to the document requests due no later than November 22, 2013.

Dated: New York, New York

THE HON. LAURA TAYLOR SWAIN